



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,932	02/14/2001	Dan Kikinis	007287.00033	1334
22907 7590 03/15/2011 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER MUHEBBULLAH, SAJEDA	
			ART UNIT	PAPER NUMBER
			2174	
			MAIL DATE	DELIVERY MODE
			03/15/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/783,932

**Applicant(s)**

KIKINIS ET AL.

**Examiner**

SAJEDA MUHEBBULLAH

**Art Unit**

2174

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 7, 9, 11, 12, 27 and 30-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7, 9, 11, 12, 27 and 30-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This communication is responsive to Pre-Appeal filed 11/10/2010.
2. Claims 1, 3, 7, 9, 11-12, 27 and 30-41 are pending in this application.

**Response to Arguments**

3. In view of the Pre-Appeal filed on 11/10/2010, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/DENNIS-DOON CHOW/  
Supervisory Patent Examiner, Art Unit 2174

4. Applicant's arguments with respect to claims 1, 3, 7, 9, 11-12, 27 and 30-41 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 112**

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 3, 7, 9, 11-12, 27 and 30-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The following claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In response to this action, the Applicant is required to point to the page and line of the specification which supports each of the limitations for each claim. Failure to carry out this requirement will result in holding the amendment non-responsive.

As per claims 1, 3, 7, 9, 11-12, 27 and 30-41, Applicant's specification describes inputting time in video environment using sliders and briefly states using sliders to search by genre, actor, or director values in paragraph 0046 of Applicant's published specification. However the specification fails to describe in detail such limitations as recited in the following claims. Examiner has emphasized below particular limitations not supported in the specification.

1. A computer-implemented method for displaying data associated with an electronic program guide, comprising:

displaying a plurality of programming content sliders, each slider having a draggable slide knob and two ends, wherein each of the plurality of sliders corresponds to a **different**

**aspect of programming content and wherein each of the plurality of sliders is associated with a different set of content-related characteristics of broadcast programs;**

for each of the plurality of programming content sliders, determining a currently set value of the slider based on a position of the slider's draggable slide knob in between the slider's ends,

displaying electronic program guide data corresponding to the currently set values of the plurality of programming content sliders, **the electronic program guide data comprising a set of one or more broadcast programs having characteristics that match the currently set values of the plurality of sliders;**

receiving user input corresponding to a drag of the draggable slide knob of a first programming content slider to a new position in between the ends of the first programming content slider;

determining a changed value of the first programming content slider based on the new position of the draggable slider knob in between the first slider's ends; and

**updating the displayed electronic program guide data to correspond to changed value of the first programming content slider, the updated electronic program guide data comprising a second set of one or more broadcast programs having characteristics that match the changed value of the first programming content slider.**

Independent claims 3, 7 and 9 are individually similar in scope to independent claim 1, and are therefore rejected under similar rationale.

11. The computer-implemented method as in claim 1, further comprising, **displaying the draggable slide knobs of each of the plurality of programming content sliders concurrently with the electronic program guide data.**

Claim 12 is similar in scope to claim 11, and is therefore rejected under similar rationale.

27. The computer-implemented method of claim 1, wherein the electronic program guide data corresponds to television program listings.

Claim 30 is similar in scope to claim 27, and is therefore rejected under similar rationale.

31. The method of claim 1, wherein the first programming content slider corresponds to a genre slider with a draggable genre slide knob.

32. The method of claim 1, wherein the first programming content slider corresponds to an actor slider with a draggable actor slide knob.

33. The method of claim 1, further comprising **updating a display of a second programming content slider to modify the associated set of content-related characteristics for the second programming content slider based on the changed value of the first programming content slider.**

34. The method of claim 33, wherein the first programming content slider corresponds to a genre slider, and wherein the second programming content slider corresponds to one of an actor slider or a director slider **which is updated in response to the drag of the slide knob of the genre slider to display only actor values or director values that are associated with the changed value of the genre slider**

35. The method of claim 1, further comprising displaying the currently set values of each of the plurality of draggable slide knobs directly on the corresponding draggable slide knob.

Claim 36 is similar in scope to claim 31, and is therefore rejected under similar rationale.

Claim 37 is similar in scope to claim 32, and is therefore rejected under similar rationale.

Claim 38 is similar in scope to claim 33, and is therefore rejected under similar rationale.

Claim 39 is similar in scope to claim 34, and is therefore rejected under similar rationale.

40. The method of claim 1, wherein the first programming content slider corresponds to a director slider with a draggable director slide knob, and **wherein the director slide knob is associated with a set of names of directors of the broadcast programs displayed on the electronic program guide.**

Claim 41 is similar in scope to claim 40, and is therefore rejected under similar rationale.

### **Drawings**

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations recited in all the claims 1, 3, 7, 9, 11-12, 27 and 30-41 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 7, 9, 11-12, 27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015) in view of Etheredge (US 6,172,674).

As per claim 1, Kilgore teaches a computer-implemented method for displaying data associated with a search browser, comprising:

displaying a plurality of content sliders (Fig.6, sliders 620), each slider having a draggable slide knob and two ends (col.5, lines 59-61; col.6, lines 63-66), wherein each of the plurality of sliders corresponds to a different aspect of content (col.6, lines 65-66, category) and wherein each of the plurality of sliders is associated with a different set of content-related characteristics (col.5, lines 61-62);

for each of the plurality of content sliders, determining a currently set value of the slider based on a position of the slider's draggable slide knob in between the slider's ends (col.6, lines 63-66; col.7, lines 5-11),



displaying data corresponding to the currently set values of the plurality of content sliders (Fig.6, col.7, lines 17-21), the data comprising a set of one or more results having characteristics that match the currently set values of the plurality of sliders (col.7, lines 17-21);

receiving user input corresponding to a drag of the draggable slide knob of a first content slider to a new position in between the ends of the first content slider (col.7, lines 17-21; Fig.6, Year slider);

determining a changed value of the first content slider based on the new position of the draggable slider knob in between the first slider's ends (col.7, lines 17-21; Fig.6, Year slider);  
and

updating the displayed data to correspond to changed value of the first content slider, the updated data comprising a second set of one or more results having characteristics that match the changed value of the first content slider (col.7, lines 17-21; Fig.6, Year slider).

Although Kilgore teaches the method in one example for illustration purposes it may also be implemented in other examples (Kilgore, col.2, lines 35-41). Kilgore does not teach the data to be associated with an electronic program guide displaying programming content. Etheredge teaches a method of displaying data in an electronic program guide wherein a draggable slide knob is used to filter program data (Etheredge, Fig.4, slider 234; col.21, lines 27-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Etheredge's teaching with Kilgore's method as an alternative example for implementing the invention.

Independent claims 3, 7 and 9 are individually similar in scope to independent claim 1, and are therefore rejected under similar rationale.

As per claim 11, the method of Kilgore and Etheredge teaches the computer-implemented method further comprising, displaying the draggable slide knobs of each of the plurality of programming content sliders concurrently with the electronic program guide data (Kilgore, Fig.6, data 610; draggable sliders 620; Etheredge, Fig.4, draggable slider 234; col.21, lines 27-37).

Claim 12 is similar in scope to claim 11, and is therefore rejected under similar rationale.

As per claim 27, the method of Kilgore and Etheredge teaches wherein the electronic program guide data corresponds to television program listings (Etheredge, Fig.4, col.6, lines 5-6).

Claim 30 is similar in scope to claim 27, and is therefore rejected under similar rationale.

10. Claims 31, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015) and Etheredge (US 6,172,674) in view of Ohkura et al. ("Ohkura", US 6,005,601)

As per claim 31, the method of Kilgore and Etheredge teaches the method of claim 1, wherein the first content slider corresponds to a slider with a draggable slide knob (Kilgore, col.5, lines 59-61; col.6, lines 63-66). However, the method does not teach the slider to be a genre slider. Ohkura teaches a method of displaying EPG data filtered according to a selected genre (Ohkura, Fig.17, Area Z). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Ohkura's teaching with the method of Kilgore and Etheredge in order to filter content based on various criteria.

As per claim 35, the method of Kilgore and Etheredge teaches the method of claim 1, further comprising displaying a plurality of draggable slide knobs however does not teach the

currently set values of each of the plurality of draggable slide knobs directly on the corresponding draggable slide knob. Ohkura teaches a method of displaying EPG data filtered according to a selected slide knob positioned on a value (Ohkura, Fig.17, 100Z). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Ohkura's teaching with the method of Kilgore and Etheredge in order to view the currently set value.

Claim 36 is similar in scope to claim 31, and is therefore rejected under similar rationale.

11. Claims 32, 37, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015) and Etheredge (US 6,172,674) in view of Schein et al. ("Schein", US 6,388,714).

As per claim 32, the method of Kilgore and Etheredge teaches the method of claim 1, wherein the programming content sliders have draggable slide knobs (Kilgore, col.5, lines 59-61; col.6, lines 63-66; Etheredge, Fig.4, draggable slider 234). However, the method does not teach the slide knob to be an actor slider with a draggable slide knob. Schein teaches a method of displaying program content wherein content may be viewed based on actor (Schein, col.15, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching of actor filter criteria with the method of Kilgore and Etheredge in order to filter content based on various criteria.

Claim 37 is similar in scope to claim 32, and is therefore rejected under similar rationale.

As per claim 40, the method of Kilgore and Etheredge teaches the method of claim 1, wherein the programming content sliders corresponds to a slider with a draggable slide knob (Kilgore col.5, lines 59-61; col.6, lines 63-66; Etheredge, Fig.4, draggable slider 234). However,

the method does not teach the slide knob to be a director slider with a draggable slide knob. Schein teaches a method of displaying program content wherein content may be viewed based on director (Schein, col.15, lines 31-36). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching of director filter criteria with the method of Kilgore and Etheredge in order to filter content based on various criteria.

Claim 41 is similar in scope to claim 40, and is therefore rejected under similar rationale.

12. Claims 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015) and Etheredge (US 6,172,674) in view of Gibson (US 5,526,480).

As per claim 33, the method of Kilgore and Etheredge teaches the method of claim 1, further comprising updating the displayed data to correspond to changed value of the first content slider (Kilgore, col.7, lines 17-21; Fig.6, Year slider). However, the method does not teach updating a display of a second programming content slider to modify the associated set of content-related characteristics for the second programming content slider based on the changed value of the first programming content slider. Gibson teaches a method of displaying multimedia data using a plurality of scrollbars wherein changing a first scrollbar also updates a second scrollbar accordingly (Gibson, col.5, line 51-col.6, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Gibson's teaching with the method of Kilgore and Etheredge in order to eliminate value options for faster results.

Claim 38 is similar in scope to claim 33, and is therefore rejected under similar rationale.

13. Claims 34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore et al. ("Kilgore", US 6,877,015), Etheredge (US 6,172,674) and Gibson (US 5,526,480) in view of Schein et al. ("Schein", US 6,388,714).

As per claim 34, the method of Kilgore, Etheredge and Gibson teaches the method of claim 33, comprising updating a display of a second programming content slider to modify the associated set of content-related characteristics for the second programming content slider based on the changed value of the first programming content slider (Gibson, col.5, line 51-col.6, line 2). However, the method does not teach the slider to be a genre, an actor or director slider. Schein teaches a method of displaying program content wherein content may be viewed based on genre or actor (Schein, col.15, lines 31-36, 51-52). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schein's teaching with the method of Kilgore, Etheredge and Gibson in order to filter content based on various criteria.

Claim 39 is similar in scope to claim 34, and is therefore rejected under similar rationale.

#### **Response to Arguments**

14. Applicant's arguments with respect to claims filed 11/10/2010 have been considered but are moot in view of the new ground(s) of rejection.

#### **Communications**

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is (571) 272-4065. The examiner can normally be reached on Tuesday/Wednesday and alt. Mondays from 8:00 am to 4:30 pm (EST).

Art Unit: 2174

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow, can be reached on (571) 272-7767.

The central fax number for the organization where correspondence for this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Sajeda Muhebbullah**

**Patent Examiner**

**Art Unit 2174**

/S. M./

**/DENNIS-DOON CHOW/**

**Supervisory Patent Examiner, Art Unit 2174**